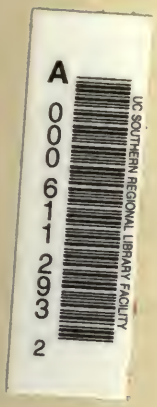

The Federal Union and the States

ADDRESS

OF

HON. COE I. CRAWFORD

BEFORE

THE LINCOLN ASSOCIATION

OF JERSEY CITY, N. J.

February 12, 1912

The Federal Union and the States.

Address of Hon. Coe I. Crawford, Before the Lincoln Association of Jersey City, N. J., February 12, 1912.

In that most remarkable opinion written by James Wilson, Associate Justice of the Supreme Court of the United States, in which he gave the reasons upon which the Court based its decision in the case of Chisholm against the State of Georgia, rendered in 1792, he said the real question before the Court was: "Do the people of the United States form a Nation?" He observes also that in all our study of government we should not forget that it is not the artificial persons called states, but it is *men* who think, and speak, and act. He further observes that when Homer enumerates the other nations of Greece, whose forces acted at the siege of Troy, he arranges them under the names of their different kings or princes; but that he distinguished the Athenians by always referring to them as The People of Athens, and that Demosthenes stirred his countrymen most when he began his orations with the words: "O, Men of Athens!"

The Constitution was ordained and established by the People of the United States, as declared in its preamble, and not by a group of artificial public corporate bodies called states. James Wilson, looking through these artificial structures, saw beyond them and recognized that at the foundation of the great super-structure were human beings—men and women with warm, human blood in their veins, and that the government was of them, by them, and for them.

He understood that the Constitution and laws of the new republic were made for society and that society was not to be sacrificed by a construction which might follow the letter, but which would destroy the spirit. At many points the great Charter of our Government was the result of compromise. The situation at the time of its making was full of difficulty. The small states were jealous of the large states. The slave states were jealous of the free states. Many people in all the states were jealous of centralized Federal power, while the believers in a strong Federal Government were jealous of the power of sovereignty claimed by the individual states. These difficulties were adjusted by concession and compromise. To win the support of the slave states that ill-fated clause was adopted, under which representation in Congress was apportioned according to population, ascertained by adding to the whole number of free persons three-fifths of the slaves; also that other provision for the return of a fugitive slave to his

owner. Thus recognized as a right of property by the Constitution itself, slavery in all its worst forms flourished in this land of liberty for more than seventy years—from 1789 to 1865, when the thirteenth amendment was ratified.

The services of Abraham Lincoln to his own and to future generations cannot be understood, cannot be appreciated, without a study of the relation which those services bear to the course and current of American history during more than seventy years of controversy and contention, during which one party maintained that the Federal Union was a mere league, which could be terminated at any moment by the voluntary withdrawal of one or more of the states, while another party maintained that the Constitution was ordained by the people of a Nation and that the union which it created could not be dissolved except by force, violence or revolution. It was, indeed, an angry and bitter controversy, which soon became sectional in character. Patrick Henry, Thomas Jefferson, John C. Calhoun and Jefferson Davis on one side; Hamilton, James Wilson, John Marshall, Daniel Webster and Abraham Lincoln on the opposing side; these and others, whom I cannot take time to name here, are great figures standing in the foreground of any picture which truthfully represents that controversial and momentous period in the history of this Republic.

Although the question remained for so long a time unsettled, we now see clearly that the attempt

to establish a permanent Federal Union of the states must have ended in utter failure within the first two decades which followed the adoption of the Constitution if the views so stubbornly urged by Jefferson, Calhoun and Davis had found sanction in the decisions of the Supreme Court of the United States. It was, indeed, fortunate that the fathers established that court as a co-ordinate and independent department of the Government and made it the depository of its judicial power with provision that the tenure of office held by the Federal judges should depend entirely upon good behavior and duration of human life; because in those earlier years of super-heated and angry debate and division over questions relating to the power and jurisdiction of the Supreme Court, in construing statutes and provisions of the Constitution, to nullify a statute, whether enacted by Congress or by the Legislature of a state, whenever it clearly appears to the court that such statute is repugnant to the Constitution, judges, whose tenure of office depended upon public sentiment, would not have dared to meet the storms of denunciation and criticism and the howls of rage and bitterness which Chief Justice Marshall encountered with calmness and serenity after each of the great decisions by which, with supreme courage and convincing logic boldly expressed in clear and specific language, he established the supremacy of the Constitution so completely that nothing less than civil war could hope to overthrow it. Or had they been equal to

the great responsibility and decided as Marshall did, such judges would have paid the penalty by dismissal from office. Our fathers wanted an independent Judiciary. They created a system of government essentially different from that of Great Britain from which they had so recently declared their independence. In England there was no federal union of states; no division of powers; all power—executive, legislative and judicial—was vested in an omnipotent parliament; there were no written constitutions, either state or federal. The British constitution was a mass of unwritten precedents and traditions, subject to change by a simple act of parliament—the result of an appeal to the country. Executive ministers and judges of courts were members of one or the other of the houses of parliament and subject to its supreme control. The whole fabric of British government rested upon custom and practice not defined nor limited by any written charter. It was an evolutionary growth, described in this fashion by Lord Macaulay:

> "To think nothing of symmetry and much of convenience; never to remove an anomaly merely because it is an anomaly; never to innovate except so far as to get rid of the grievance; never to lay down any proposition of wider extent than the particular case for which it is necessary to provide; these are the rules which have, from the age of John to the age of Victoria, guided the deliberations of our two hundred and fifty parliaments."

From that system of government by parliament our fathers broke away and erected another, based upon written constitutions underlying the several states, and upon a *written Constitution* binding all the states into a Federal Union—a system which divided the power of government into three separate and specifically defined divisions, making of each a distinct, separate and co-ordinate department—placing limitations upon it and permitting it to exercise no power except that expressly delegated to it. They declared that this written Constitution, ordained and established by the American people—and the laws made in pursuance thereof, and all treaties entered into by the United States—shall be "the supreme law of the land," and that the judges in every state shall be bound thereby, "anything in the Constitution or laws of any state to the contrary notwithstanding."

They placed limitations upon the power of Congress by prohibiting it from passing bills of attainder or *ex post facto* laws; from levying a duty upon articles exported from any state; from enacting laws interfering with the free exercise of religion; from abridging freedom of speech or of the press; from depriving any person of life, liberty or property without due process of law; from interfering with the right of the people peaceably to assemble and to petition the Government for redress of grievances.

They also placed prohibitions upon the states by declaring that no state shall coin money or emit

bills of credit; or, without the consent of Congress, lay any imposts or duties on imports or exports; or enter into any agreement or compact with another state or with a foreign power. How were these prohibitions to be made effective if not by the courts? Yet in those earlier years a great many people contended with much vehemence that the courts had no power or authority to declare a legislative enactment void even though that act were clearly repugnant to the Constitution or to a treaty of the United States with a foreign power.

Some people, even in our day, suggest that this power be taken from the Supreme Court. They apparently fail to realize that its withdrawal would mean the dissolution of the Union. Mr. Justice Wilson and Chief Justice Marshall saw clearly how necessary it was that the Supreme Court firmly recognize the supremacy of the Constitution over legislative and executive, as well as judicial action, if the United States was to become a *nation*. Wilson took the first step when he announced the decision of the court in the great case of Chisholm against the State of Georgia. Marshall completed the work so well begun by Wilson when, in a series of ever-memorable decisions, he declared in behalf of the court that an act of Congress or an act of the Legislature of a state, or a decision of the highest judicial tribunal of a state is void when clearly repugnant to the Federal Constitution or to any treaty between the United States and a foreign nation. Had the court failed

to so decide any one of these three propositions in favor of the supremacy of the Constitution and treaties, the union of the states under that Constitution would have gone down. Disunion would have come while Abraham Lincoln was yet a barefooted boy in the woods of his native Kentucky; but men can be found who will assert that John Marshall was a usurper. Let us suppose for a moment that the Supreme Court had played the coward and—quailing before the violent assaults made upon it—had declined to assume the great responsibility of upholding the paramountcy of the Federal Constitution. What would have been the result?

The state of New York would have successfully maintained exclusive control over navigation on the Hudson and Federal control of commerce between the states would have been defeated. New York could have closed her ports to New England and imposed duties upon imports from New Jersey and Pennsylvania; Maryland could have taxed the Bank of the United States and issued bills of credit and coined money; Rhode Island could have successfully enacted a state bankruptcy law, by which the obligations of contract could have been annulled and debts legally repudiated; Virginia and the Carolinas could have made agreements or compacts with each other or with a foreign power. On the other hand, Congress could have passed laws levying duties upon articles exported from one or more of the states; or interfering with state

autonomy; or with the purely domestic affairs and local police regulations of the states; it might have passed bills of attainder or *ex post facto* laws, or laws which would deprive citizens of their lives, liberties and property without due process; or laws which would take away the power and destroy the efficiency of the executive and judicial departments.

In other words, had it not been for the check put upon it by the Supreme Court in upholding the spirit of the Constitution, Congress might have usurped all governmental power.

These decisions made the Constitution a living instrument, expanding under the enlightened construction of the court and keeping pace with the needs of a growing nation. Otherwise it would have been a mere idle declaration upon paper, such as the constitution of Mexico is today; or like those paper constitutions of the French republic in the days of the Revolution. Indeed, nothing less than the exercise of this power by the Supreme Court could have brought into harmonious relation all these state laws, state constitutions and acts of Congress. It is idle to talk about the British system, in which parliament is above the courts. To return to that system would be to abolish or abandon our own; it would mean nothing less than revolution and a wholesale destruction of the American scheme of federal government. The British system may be better than ours—I do not think so —but it is only the wildest and most impractical

dreamer who would seriously propose such a revolution, as the adoption of that system would cause in our form of government, which depends so largely upon the independence of the Judicial Department as the check and balance between the Executive and Legislative Departments, and which provides the way by which to maintain the co-ordination of the states. Mr. Lincoln found ample justification for the use of force in preventing seceding states from withdrawing from the Union in the language of Chief Justice Marshall in Cohens against Virginia, where the great jurist declares:

> "It is usurpation whenever a part undertakes to do what the whole cannot be kept from doing. * * * The *people* made the Constitution and *they* can unmake it, but this power resides only in the *whole body of the people, not in any sub-division of them.* The attempt of *any of the parts to exercise it is usurpation and ought to be repelled by those to whom the people have delegated their power.*"

This was a clear declaration in favor of the power under the Constitution to coerce a state and against the right of a state to secede from the Union. Could the "recall of judges" have been invoked against Mr. Marshall at that time of intense feeling he would probably have been turned out of office.

In contending for the independence and fearlessness of the Judiciary I do not wish to be mis-

understood. There is much which calls for criticism in the administration of our courts. There are many defects in judicial procedure, both civil and criminal, which all admit should be remedied. While, as a rule, our judges have been and are men of the highest integrity and honor, singularly free from undue influence, there are exceptions, of course, where, unfortunately, powerful and selfish influences reach the judge and secure unfair advantage; but such cases are rare. When the court is a state tribunal and the term of the judge elective, the people can easily correct abuses if they earnestly desire by reforming the judicial procedure, shortening the term of the judges and refusing to re-elect the unworthy ones. The remedy is more difficult where the judge is a Federal officer holding his position during life and good behavior, and where he cannot be removed except by impeachment. The inferior Federal Courts, however, are creatures of statute. Except as to tenure of office Congress can control them. It may, in its discretion, abolish them or reduce their powers, or limit their jurisdiction. The irritation and the uneasiness of the people and their hostility to the courts are directed largely against these inferior Federal Courts; and, should an amendment fixing the term of the judges of these courts at a period of six or ten years be proposed, it would, in my humble opinion, be ratified by three-fourths of the states, because of a prevailing opinion that some of these Federal judges are too indifferent to the

rights of the people and not sufficiently responsive to present day needs and present day conditions when passing upon issues between the people and special interests. The fact that at the expiration of a fixed term his conduct as a judge would come under review by the President and the Senate, both of them, when determining whether or not he should be reappointed, acting under the scrutiny and watchful eye of the public, would not destroy his independence, but it would operate as a wholesome restraint upon the judge, while the expiration of his term would furnish the opportunity to dispense with the service of an unworthy or incompetent man. I, for one, am inclined to believe that an amendment of this kind would improve the Federal Judiciary. Congress has, perhaps, created too many inferior courts and been too liberal in granting to them powers of injunction, particularly in proceedings against the officers of a state attempting to enforce the statute of a state. It is a matter of doubt whether the new Courts of Custom, of Commerce and of Patents were wisely established. These inferior and intermediate courts, anxious to enlarge their jurisdiction by interfering frequently with the orders and findings of administrative boards and commissions of the Government, are often the means of delaying rather than promoting justice; but Congress may abolish them whenever in its wisdom it chooses to do so. Our courts and the administration of justice must com-

mand the confidence and respect of the people if the Government is to endure.

It behooves us to heed the complaints that are being made on every hand in regard to glaring defects in the civil and criminal procedure of both the State and Federal Judiciary. Mere technicalities; appeals based upon quibbles and taken for delay; unnecessary peremptory challenges of jurors and immaterial objections to their competency; adherences to worn out precedents and ancient rules, not adapted to needs of the present, must all be swept away if our courts are to retain their hold on the affections of the people. An effective and speedy method, judicial in character, but more simple and surer of results than proceedings by impeachment should be provided by which bad and unworthy judges may be dismissed from office. But, on the other hand, let us beware that in our eagerness to correct existing evils we do not adopt methods exposed to far greater evils than those we would remove. This, I fear, would be the case if the Judiciary were subjected to what is known as the recall, and should that "sword of Damocles" be held over the heads of the judges. The honest and fearless judge must often decide cases against strong public prejudice and hostile public sentiment if he does his duty and applies the rules of law and justice. The tenure of office held by him should never be made to depend upon the decision of the majority of the voters in his district expressed by ballot at the close of a heated campaign

forced upon him by a minority petition signed ex parte; a campaign in which the issue is whether or not he correctly weighed the testimony and applied the law in causes tried by him. We should commit a grave and serious error if we were to adopt so questionable a remedy as that. We should be equally unwise, in my judgment, if, because we disagree with the conclusion reached by the Supreme Court of the United States that a certain act of Congress is void because repugnant to the Constitution, or because that court construed some other act of Congress differently from the way we would have construed it, we should deprive the court of its power or greatly cripple its power to declare those acts void which clearly violate the provisions of the Constitution. It is a matter of surprise that any reasonable and loyal citizen of the United States should propose the use of such revolutionary and destructive weapons as these. But suggestions of this kind are abroad in the land and must be met with courage by all who oppose them because they are dangerous and unsound. Everyone concedes that the decisions of the court should be and are open to the freest criticism. Judges are human, and to err is human. The judges as individuals are not entitled to special favor. They have not been set apart as more sacred than other human beings. The effect of fair and even sharp and merciless criticism of their decisions is wholesome. There is, however, a wide difference between free criticism of the courts and

their decisions and the curtailment or destruction of the independence and vital power vested in them and necessary to the preservation of the Government itself. Some people do not seem to have discovered this truth. Abraham Lincoln criticised Chief Justice Taney and the decision of the Court in the Dred Scott case unsparingly, but no man was more zealous than Mr. Lincoln in upholding each and every department of the Government created by the Constitution and in the preservation of the Union established by it, or who more firmly supported those canons of construction declared by Chief Justice Marshall. It is sometimes said that the Federal judges holding office for life or during good behavior are not subject to the will of the people, and that in our form of government no public officer should be entrusted with power who is not in some manner accountable to the people. The Federal judges are accountable to the people. The Constitution was ordained by the people and it provides that his tenure of office shall depend upon the good behavior of the judge and that he may be impeached for wrong doing. This makes him accountable to the people in the way which they themselves have provided in a Constitution which they ordained and established. So it is not true to say that these judges are not accountable to the people. If the method of procedure by which a bad judge may be impeached is too difficult, a way has been provided by which to amend that Constitution, and it should be resorted to for

the purpose of adopting some easier and more effective method; but it should be by judicial inquiry and speedy trial with an opportunity to be heard—not a mere expression of public opinion after an excited and spectacular campaign for votes. Mr. Hamilton correctly observed that the Judiciary, from the nature of its functions, will always be the least dangerous to the political rights guaranteed by the Constitution. He said:

> "The Executive not only dispenses the honors but holds the sword of the community. The Legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. * * * The Judiciary may be said to have neither force nor will, but merely judgment. * * * Though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the Judiciary remains truly distinct from both the Legislative and Executive."

Hamilton was right. Judges cannot take the initiative; they cannot go into the forum and advocate political doctrines as partisans, as executive and legislative officers are permitted to do.

When attacked in the public press and on the platform by bitter partisans; when their decisions are assailed, the lips of the judges are closed. The dignity of the judicial office does not permit them to reply. They do not make issues; they decide

only the questions that the parties before them have raised. As Mr. Hamilton has said, they have "neither force nor will, but merely judgment." The courts cannot go out and seek, nor can they create controversies; they can simply hear and determine the issues brought before them and enter judgment. The enforcement of their decrees and writs follows because there is universal respect for the majesty of the law; not because the courts command fleets and armies. When the authorities of the state of Georgia refused to obey a writ of *habeas corpus* in the case of the Cherokee Nation against that State, President Jackson refused the aid of the Executive Department and declared that "John Marshall has made his decision; now let him enforce it;" the Supreme Court of the United States was powerless to proceed further. Jackson, as the Chief Executive, held the nation's sword and Congress controlled its purse; without their co-operation the court could go no further.

This fact in the history of the Supreme Court proves how idle are the fears of those who manifest concern lest the courts endanger the liberties of the people by an abuse of its power, and vindicates the statement of Mr. Hamilton that the Judiciary, from the nature of its functions, is the least dangerous to the political rights guaranteed by the Constitution. Congress, and not the Federal courts, is to blame for the present situation in which those courts have been placed in suits

brought to enforce the Sherman Anti-Trust Act. Without their seeking it, the burden and the duty have been put upon these courts of not only dissolving vast combinations in restraint of trade, such as the Standard Oil Company and the American Tobacco Company, and of permanently enjoining them from continuing in business, and directing the division of their assets and the distribution thereof to shareholders in the several constituent and subsidiary corporations; but, in addition, the almost impossible task and the enormous responsibility have been put upon them of supervising, reviewing, directing and consenting to some proposed plan under which several smaller concerns, owned chiefly by the same old stockholders, may severally and independently of each other conduct the vast business theretofore conducted by the unlawful combination. If the Government is successful in the pending suits against the Harvester Trust and the Steel Trust the courts will again be called upon to perform this task. It is work which no court should be asked to do. It properly belongs to some administrative tribunal. The nature and character of the work make it practically impossible for a court or judge to do it. It is put upon the courts because Congress has neglected to provide some other and more efficient method of regulation and restraint in the conduct of interstate business by corporations. The work which should be done by an administrative tribunal is forced upon the courts by the neglect of

Congress to provide for such tribunal, and these courts are unjustly criticised for doing the best they can to render a service which, under no circumstances, should have been required of them. But a more efficient remedy will be provided soon, let us hope. The attention of the people is now directed to this problem, and they will not fail to find its solution. It is half solved when clearly and correctly stated. The point aimed at is special privilege. The American people have determined to destroy that. They have determined that the law shall not permit one class of citizens, as individuals or as corporations, to practice extortion or lay excessive burdens upon other citizens and make it harder for them to live; not only that the law shall not permit this thing, but that it shall go further and prevent this thing; that those in charge of the execution of the law shall enforce it. They have determined that special privilege shall be destroyed in this generation as slavery was destroyed in the last generation; that the wrongdoer, whether he be a malefactor of great wealth or a dynamiter pretending to represent organized labor, shall suffer the pains and penalties of the law; that special privilege shall be destroyed under the Constitution as it stands, or, if found necessary, that the Constitution shall be amended so as to permit it to be done.

In any event the die is cast. The people have entered their decree. Because corporate wealth, amassed under special privilege, was not bearing

its share of the public burden Congress has already imposed an excise tax upon its right to transact interstate business, based upon net earnings. Because those who receive enormous incomes—far beyond their needs and the needs of those dependent upon them—do not bear their share of the expenses of maintaining the Government, and because that burden falls too heavily upon the man of small means—least able to bear it—the people will soon ratify the proposed amendment giving clear and unquestioned power to Congress to levy a tax upon incomes. The people are also determined that the transmission of great inheritances shall be made to pay a toll to the Government under whose protection they are accumulated, thereby removing to some extent the burden now borne upon the backs of the poor. They are also determined that the *general welfare,* and not *special interests,* shall be the governing motive in determining the amount which shall be raised by duties on imports and the extent to which such duties shall protect the American market place.

More and more it is becoming necessary to invoke the use of the powers granted by our Federal Constitution to Congress in the solution of the growing problems which arise in our complex industrial and commercial life. These problems cannot be solved by the states because they are interstate problems.

Under modern conditions commerce knows no state lines. Yet many of the states, by unwise and

improvident statutes, have permitted the organization of companies which, without restraint by the laws creating them, have proceeded to prey upon the people in all the states through the avenues of interstate commerce. They have allowed companies to be organized for any sort of business without reference to where it is to be carried on and without any limitation upon the capitalization; the charters granted are perpetual or may be renewed over and over again; consolidations and mergers are permitted; ownership in the stock of competing corporations may be acquired without limit; there is no requirement that any part of the capital shall be paid before the corporation begins business or afterwards; stock may be issued for property and for service and labor, the value of which may be arbitrarily fixed by the board of directors; the meetings of directors and of stockholders may be held beyond the limits of the state; no official report to the state is required; directors are not required to be residents of the state, and the same person may act as a director in two or more companies engaged in the same kind of business.

All the states do not grant all these privileges, but most of them are permitted by the majority, and none of them is prohibited in all.

It is under these lax *state* laws that trusts and combinations are formed which seek to monopolize and restrain trade and commerce between the states. It is very clear that the only adequate rem-

edy we can hope for must be obtained from the Federal Government by the exercise of its power to regulate commerce between the states. As the Interstate Commerce Commission has brought the railroads engaged in interstate commerce under control so should an administrative commission of the Federal Government bring all these industrial and commercial concerns engaged in interstate commerce under the control of the Federal Government. It should be complete and effective control based upon the firm purpose to protect the American people from the unjust burdens of special privilege and monopoly. Ours is a representative government. It is only representative in the true sense when the agencies selected by the people give expression to the well wrought out and temperate conclusions of the people. The man in public life who closes his ears to the appeals of the masses and listens only to the demands of those who seek for some personal and selfish advantage through the agencies of the Government, is an enemy of representative government.

It is to dislodge him that more effective methods of securing the execution of the popular will, such as the direct primary, the initiative and the referendum are devised; it is not for the purpose of changing the Republic into a pure democracy, but for the purpose of placing effective weapons of defense against special privilege in the hands of the people to be used when the emergency requires. As a weapon in reserve to be used only when regularly

chosen representatives have been guilty of a betrayal of their trust these innovations are a useful and wholesome restraint. Back of them all are the good sense and the permanent devotion of the American people to the principles of justice. The spirit of Abraham Lincoln still lives. His name will forever and always be the inspiration of all who strive to keep this great Government close to the people. For we all agree, my countrymen, that among the great names which America has given to the world no other is so deeply and so universally enshrined in the hearts and affections of the people. No other human life has so touched that humanity which is common to us all. It was a combination of Burns and Franklin, of King Solomon and David Crockett, of Isaiah and Tom Corwin, of Wendell Phillips and Whitcomb Riley. The pathos of his early childhood in that rude log cabin where, we are told, "he slept on a heap of dry leaves in the corner of the loft, to which he mounted by means of pegs driven into the wall," draws thousands every year to that sacred spot, there to weep in silence as they think of his mother dying in that other Indiana cabin with a prayer for her little boy in her heart when that little boy was only nine years old. They know that while the home was crude, and while those who dwelt there lived very near to the heart of nature—almost out of doors under the blue sky, surrounded by the wild woods—it was a pure and wholesome place, sanctified by the presence of the mother, Nancy Hanks

Lincoln, and after she had gone by the presence of the stepmother, Sallie Bush Lincoln—both noble pioneer women, who left upon the boy impressions which remained during all his subsequent life. Years afterward—when the pathos of his mother's life became known—the world brought a glorious wreath of flowers, and in tears of grateful remembrance placed it upon the long neglected grave of Nancy Hanks Lincoln.

Americans rejoice in the fact that it was possible for this lad, starting upon the pathway of life in such an environment, to encounter and overcome the great obstacles which he encountered and overcame, and to make the long and toilsome journey which he made in climbing to those sublime heights upon which he stood when he delivered his second inaugural address.

They look upon his victory as, in some way, their own; for was he not bone of their bone and flesh of their flesh?

They cherish the hope that the conditions of life in this Republic—which is the hope of the world—may remain so fair and just to all that it will continue to be as possible in the future as it has been possible in the past for any sturdy youth to blaze his way from the humblest to the highest station in life. The fact that in America the opportunity for such advancement is open to the humblest child in the land has ever been our proud boast; let us devoutly pray that it may ever remain the dearest heritage we can leave to posterity. Equal op-

portunity in the race of life is of far more value to the youth of the country than great fortunes. Equality of opportunity and equality before the law: These must be preserved though all else be lost; to show what they are worth Abraham Lincoln lived; to secure them for all he devoted his great life; for them he died the death of a martyr. The thirteenth amendment was his crowning achievement; it removed the dark stain from the Great Charter and closed forever that controversy which began when James Wilson propounded the question: Do the people of the United States form a *Nation?*